

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT WINCHESTER

UNITED STATES OF AMERICA)	MATTICE/CARTER
)	
v.)	CASE NO. 4:09-CR-26
)	
MAREMEDIOS CERVANTES-CANO)	
aka MAREMEDIOS CANO,)	
MARIA CERVANTES,)	

REPORT AND RECOMMENDATION

Pursuant to 28 U.S.C. § 636(b), I conducted a plea hearing in this case on November 24, 2009. At the hearing, defendant entered a plea of guilty to Counts One, Two, and Three of the Superseding Indictment. On the basis of the record made at the hearing, I find that the defendant is fully capable and competent to enter an informed plea; that the plea is made knowingly and with full understanding of each of the rights waived by defendant; that it is made voluntarily and free from any force, threats, or promises; that the defendant understands the nature of the charge and penalties provided by law; and that the plea has a sufficient basis in fact.

I therefore recommend that defendant's plea of guilty to Counts One, Two, and Three of the Superseding Indictment be accepted and that the Court adjudicate defendant guilty of the charges set forth in Counts One, Two, and Three of the Superseding Indictment at the time of sentencing. I further recommend that defendant be taken into custody pending further order of the court on the basis of her failure to report an arrest for shoplifting and for the use of an alias at

the time of her arrest.¹ Acceptance of the plea, adjudication of guilt, and imposition of sentence are specifically reserved for the district judge.

The defendant's sentencing date is scheduled for **MONDAY, MARCH 8, 2010,**
AT 9:00 AM.

Dated: November 24, 2009

/s/William B. Mitchell Carter
UNITED STATES MAGISTRATE JUDGE

NOTICE TO PARTIES

You have the right to *de novo* review of the foregoing findings by the district judge. Any application for review must be in writing, must specify the portions of the findings or proceedings objected to, and must be filed and served no later than ten days after the plea hearing. Failure to file objections within ten days constitutes a waiver of any further right to challenge the plea of guilty in this matter. *See* 28 U.S.C. §636(b).

¹ The Court will revisit the issue of detention prior to the scheduled sentencing hearing.